

## **Solid Waste Advisory Committee Meeting Summary September 22, 2005**

### **Draft Solid Waste Master Plan Revisions**

John Fischer presented an overview of the Public Hearing Draft of the Massachusetts Department of Environmental Protection's (MassDEP's) Solid Waste Master Plan Revision. This presentation is posted on MassDEP's web site along with these meeting notes. Most of the SWAC's questions/comments focused on two elements of the proposed revision: extending waste bans to haulers and generators and the combustion facility moratorium. SWAC questions and MassDEP responses included:

#### **Hauler/Generator Waste Ban Enforcement**

- Does MassDEP have the authority to extend waste ban enforcement to haulers and generators?
  - Yes. MassDEP's Office of General Counsel has reviewed the current statute and regulations and believes that DEP has such authority under existing statute and regulations.
- Would MassDEP rely on facility records as the basis for enforcement against haulers and generators? It seems that there would be legal issues with this as a basis for enforcement.
  - MassDEP expects to take enforcement action when a MassDEP staff person witnesses a failed load violation firsthand at a solid waste facility. However, facility records could be used to identify haulers and generators that appear to be repeatedly disposing of failed loads and to target waste ban inspections.
- Will MassDEP hire additional inspectors to conduct waste ban inspections and is waste ban enforcement being looked at as a way to increase MassDEP's revenue?
  - MassDEP does not plan to hire additional staff to implement this initiative, though some staff roles may be shifted to support additional waste ban inspections. MassDEP is not looking at waste ban enforcement as a way to increase revenue but rather to ensure that waste bans are effective at increasing recycling.
- Will MassDEP conduct outreach and press prior to implementing enforcement?
  - MassDEP is planning outreach efforts to notify key target audiences, including the solid waste and recycling industries and major business trade associations, and will provide informational resources and technical assistance to help haulers and generators comply with waste bans and avoid enforcement. However, regulated parties are responsible for complying with requirements at all times and MassDEP may take enforcement whenever it determines a violation has occurred.
- What will MassDEP do if, apart from a waste ban inspection at a solid waste facility, it learns that a business generator is not recycling?
  - MassDEP does not generally plan to inspect businesses that generate solid waste to determine if they are recycling at this time, but plans to conduct waste ban

inspections at solid waste facilities. These inspections may result in enforcement against haulers and generators for failed loads.

- MassDEP will provide information resources and technical assistance to businesses to help them start recycling and/or composting programs to help them avoid violations for disposal of banned materials.
- The role of haulers is to provide the services that their customers request, and they cannot control whether or not their customers choose to recycle. Therefore, MassDEP should focus enforcement more on generators, rather than haulers. For example, a New Jersey county is currently aggressively implementing mandatory recycling with fines for businesses that dispose of recyclables and that appears to be changing behavior effectively.
  - MassDEP plans to extend waste ban enforcement to generators, but believes that haulers have an important role and responsibility as well. By including haulers in this initiative, MassDEP can better ensure a level playing field for the hauling industry and ensure that haulers that do not comply with waste bans change their business practices.

### **Combustion Facility Moratorium**

- Participants expressed mixed views on the combustion facility moratorium. Several participants commented that a moratorium is not the appropriate approach to address concerns about mercury emissions from combustion facilities. MassDEP should instead address concerns about mercury emissions through permitting controls and set a very aggressive standard for emissions, or even require zero mercury emissions for a facility to be permitted. By having a moratorium, MassDEP discourages the development of innovative technologies that could potentially achieve these kinds of improvements. A participant also commented that exporting waste, instead of managing it at an in-state combustion facility, also has environmental impacts in terms of transportation emissions that could be worse than combustion facility emissions.
- There also was support expressed for the moratorium as a beneficial policy that would reduce mercury emissions and help reduce mercury levels in our water bodies and in fish.

### **Supermarket Organics Recycling Network Program**

Greg Cooper gave a presentation on the Supermarket Organics Recycling Network, highlighting a recently signed Memorandum of Understanding between MassDEP and the Massachusetts Food Association that includes a Supermarket Certification Program. This presentation is available on the MassDEP web site, along with these meeting notes.

### **Solid Waste Permitting Regulations Training and Outreach**

Paul Emond presented a brief overview of forthcoming revised solid waste regulations and guidance and training that MassDEP is planning to provide on these regulatory and guidance changes. These include the solid waste permitting regulations at 310 CMR 19.000 and three accompanying guidance documents on waste bans, beneficial use determinations, and facility impact assessment. MassDEP is tentatively proposing to hold training in November, contingent

on the final promulgation of the regulations and final approval and publication of the guidance documents.

MassDEP asked for input from participants on what issues this training should highlight. Participants noted that there is some confusion regarding how the waste bans will be implemented for new materials, particularly wood, and how they will apply to small transfer stations. These issues will be highlighted in MassDEP training.

### **Meeting Handouts and Presentations**

- Meeting Agenda
- Notice of Public Comment Period and Public Hearings: Proposed Revision to the Solid Waste Master Plan (available on DEP's web site at:  
<http://www.mass.gov/dep/bwp/dswm/dswmpubs.htm> - swmp)
- Status of Solid Waste Regulation (310 CMR 19.000) Revisions Implementation

### **Next SWAC Meeting**

The next SWAC Meeting is scheduled for Tuesday November 15, 2005, from 1:00 p.m. to 3:00 p.m. at MassDEP, One Winter Street, Boston, MA.

SWAC – 9/22/05

### Status of Solid Waste Regulation (310 CMR 19.000) Revisions Implementation

Item	Status	Comments
Promulgate 310 CMR19.000	Effective 10/7/05	Revisions – BUD process, ABC, metal and wood waste ban, liner revisions (previously required by policy in 2001). Regulated community training targeted for November 05.
Promulgate 310 CMR 4.00, Fee Regulation Revisions	Effective 10/7/05	Four new BUD categories replace existing 2 categories. Annual compliance fee changes for C&D facilities. New fee category for landfill closure completion.
Finalize BUD Guidance	Final sign-off expected in October.	Regulated community training targeted for November 05
Finalize ABC, metal & wood waste ban guidance	Final sign-off expected in October	Waste ban effective 9 months after promulgation (7/7/06), plans due 90 days prior (4/7/06). Regulated community training targeted for November 05.
Finalize Facility Impact Assessment (FIA) Guidance	Final sign-off expected in October	Provides FIA guidance during site assignment process (310 CMR 16.00). No FIA requirements in 19.000.